

By: Montford

S.B. No. 1777

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the ~~Yoakum County~~ ^{Sandy Land} Underground Water
Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation

district, to be known as ~~Yoakum County~~ ^{Sandy Land} Underground Water
Conservation District, is created in Yoakum County, subject to
approval at a confirmation election under Section 9 of this Act.
The district is a governmental agency and a body politic and
corporate.

(b) The district is created under and is essential to
accomplish the purposes of Article XVI, Section 59, of the Texas
Constitution.

SECTION 2. DEFINITION. In this Act, "district" means ~~Yoakum~~ ^{the Sandy Land}
~~County~~ Underground Water Conservation District.

SECTION 3. BOUNDARIES. The district includes all the
territory located within Yoakum County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries and field notes of the district form a
closure. A mistake in the field notes or in copying the field
notes in the legislative process does not affect the organization,
existence, or validity of the district, the right of the district
to levy and collect taxes, or the legality or operation of the

5-4-89

5-12-89

5-25-89 w/H.A.

1 district or its governing body.

2 SECTION 5. FINDING OF BENEFIT. All of the land and other ^{1/2}
3 property included within the boundaries of the district will be
4 benefited by the works and projects that are to be accomplished by
5 the district under powers conferred by Article XVI, Section 59, of
6 the Texas Constitution. The district is created to serve a public
7 use and benefit.

8 SECTION 6. POWERS. (a) The district has all of the rights,
9 powers, privileges, authority, functions, and duties provided by
10 the general law of this state, including Chapters 50 and 52, Water
11 Code, applicable to underground water conservation districts
12 created under Article XVI, Section 59, of the Texas Constitution.
13 This Act prevails over any provision of general law that is in
14 conflict or inconsistent with this Act.

15 (b) The rights, powers, privileges, authority, functions,
16 and duties of the district are subject to the continuing right of
17 supervision of the state to be exercised by and through the Texas
18 Water Commission.

19 SECTION 7. BOARD OF DIRECTORS. (a) The district is
20 governed by a board of five directors.

21 (b) Temporary directors serve until initial permanent
22 directors are elected under Section 9. *of this Act*

23 (c) Initial permanent directors serve until permanent
24 directors are elected under Section 10. *of this Act*

25 (d) Permanent directors other than initial permanent
26 directors serve staggered four-year terms.

27 (e) Each director must qualify to serve as director in the

1 manner provided by Sections 51.078 and 51.079, Water Code. ^{7/3}

2 (f) A director serves until the director's successor has
3 qualified.

4 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
5 directors is composed of:

6 (1) David Turnbough

7 (2) Ray Hohstadt

8 (3) L. J. Sanders

9 (4) T. J. Miller

10 (5) Johnnie L. Fitzgerald

11 (b) If a temporary director fails to qualify for office, the
12 temporary directors who have qualified shall appoint a person to
13 fill the vacancy. If at any time there are fewer than three
14 qualified temporary directors, the Texas Water Commission shall
15 appoint the necessary number of persons to fill all vacancies on
16 the board.

17 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

18 (a) The temporary board of directors shall call and hold an
19 election to confirm establishment of the district and to elect five
20 initial directors.

21 (b) A person who desires to be a candidate for the office of
22 initial director may file an application with the temporary board
23 to have the candidate's name printed on the ballot as provided by
24 Section 51.075, Water Code.

25 (c) At the confirmation and initial directors' election, the
26 temporary board of directors shall have the names of the five
27 persons serving as temporary directors placed on the ballot ^{3/4}

1 together with the name of any candidate filing for the office of
2 director as provided by Subsection (b) of this section and blank
3 spaces to write in the names of other persons. If the district is
4 created at the election, the temporary directors, at the time the
5 vote is canvassed, shall declare the five persons who receive the
6 most votes to be elected as the initial directors and shall include
7 the results of the directors' election in its election report to
8 the Texas Water Commission.

9 (d) ^{Subsection (a)} Section 41.001(a), Election Code, does not apply to a
10 confirmation and initial directors' election held as provided by
11 this section.

12 (e) Except as provided by this section, a confirmation and
13 initial directors' election must be conducted as provided by
14 Sections 52.058(b) ^{through} (g), Water Code, and the Election Code.

15 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
16 May of the second year after the year in which the district is
17 authorized to be created at a confirmation election, an election
18 shall be held in the district for the election of two directors who
19 shall each serve two-year terms and three directors who shall each
20 serve four-year terms. Thereafter, on the same date in each
21 subsequent second year, the appropriate number of directors shall
22 be elected to the board.

23 SECTION 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

24 (a) The proper and legal notice of the intention to introduce this
25 Act, setting forth the general substance of this Act, has been
26 published as provided by law, and the notice and a copy of this Act
27 have been furnished to all persons, agencies, officials, or

1 entities to which they are required to be furnished by the
2 constitution and other laws of this state, including the governor,
3 who has submitted the notice and Act to the Texas Water Commission.

4 (b) The Texas Water Commission has filed its recommendations
5 relating to this Act with the governor, lieutenant governor, and
6 speaker of the house of representatives within the required time.

7 (c) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

11 SECTION 12. EMERGENCY. The importance of this legislation
12 and the crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended,
16 and that this Act take effect and be in force from and after its
17 passage, and it is so enacted.

By: Montford S.B. No. 1777
(In the Senate - Filed April 28, 1989; April 28, 1989, read first time and referred to Committee on Natural Resources; May 4, 1989, reported favorably by the following vote: Yeas 8, Nays 0; May 4, 1989, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Santiesteban	x			
Lyon	x			
Armbrister	x			
Bivins	x			
Brown				x
Carriker	x			
Montford				x
Ratliff	x			
Sims	x			
Uribe				x
Zaffirini	x			

A BILL TO BE ENTITLED
AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as Yoakum County Underground Water Conservation District, is created in Yoakum County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Yoakum County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The district includes all the territory located within Yoakum County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the right of the district to levy and collect taxes, or the legality or operation of the district or its governing body.

SECTION 5. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9 of this Act.

(c) Initial permanent directors serve until permanent

1 directors are elected under Section 10 of this Act.

2 (d) Permanent directors other than initial permanent
3 directors serve staggered four-year terms.

4 (e) Each director must qualify to serve as director in the
5 manner provided by Sections 51.078 and 51.079, Water Code.

6 (f) A director serves until the director's successor has
7 qualified.

8 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
9 directors is composed of:

10 (1) David Turnbough

11 (2) Ray Hohstadt

12 (3) L. J. Sanders

13 (4) T. J. Miller

14 (5) Johnnie L. Fitzgerald

15 (b) If a temporary director fails to qualify for office, the
16 temporary directors who have qualified shall appoint a person to
17 fill the vacancy. If at any time there are fewer than three
18 qualified temporary directors, the Texas Water Commission shall
19 appoint the necessary number of persons to fill all vacancies on
20 the board.

21 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
22 (a) The temporary board of directors shall call and hold an
23 election to confirm establishment of the district and to elect five
24 initial directors.

25 (b) A person who desires to be a candidate for the office of
26 initial director may file an application with the temporary board
27 to have the candidate's name printed on the ballot as provided by
28 Section 51.075, Water Code.

29 (c) At the confirmation and initial directors' election, the
30 temporary board of directors shall have the names of the five
31 persons serving as temporary directors placed on the ballot
32 together with the name of any candidate filing for the office of
33 director as provided by Subsection (b) of this section and blank
34 spaces to write in the names of other persons. If the district is
35 created at the election, the temporary directors, at the time the
36 vote is canvassed, shall declare the five persons who receive the
37 most votes to be elected as the initial directors and shall include
38 the results of the directors' election in its election report to
39 the Texas Water Commission.

40 (d) Subsection (a), Section 41.001, Election Code, does not
41 apply to a confirmation and initial directors' election held as
42 provided by this section.

43 (e) Except as provided by this section, a confirmation and
44 initial directors' election must be conducted as provided by
45 Sections 52.058(b) through (g), Water Code, and the Election Code.

46 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
47 May of the second year after the year in which the district is
48 authorized to be created at a confirmation election, an election
49 shall be held in the district for the election of two directors who
50 shall each serve two-year terms and three directors who shall each
51 serve four-year terms. Thereafter, on the same date in each
52 subsequent second year, the appropriate number of directors shall
53 be elected to the board.

54 SECTION 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
55 (a) The proper and legal notice of the intention to introduce this
56 Act, setting forth the general substance of this Act, has been
57 published as provided by law, and the notice and a copy of this Act
58 have been furnished to all persons, agencies, officials, or
59 entities to which they are required to be furnished by the
60 constitution and other laws of this state, including the governor,
61 who has submitted the notice and Act to the Texas Water Commission.

62 (b) The Texas Water Commission has filed its recommendations
63 relating to this Act with the governor, lieutenant governor, and
64 speaker of the house of representatives within the required time.

65 (c) All requirements of the constitution and laws of this
66 state and the rules and procedures of the legislature with respect
67 to the notice, introduction, and passage of this Act are fulfilled
68 and accomplished.

69 SECTION 12. EMERGENCY. The importance of this legislation
70 and the crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force from and after its
5 passage, and it is so enacted.

6 * * * * *

7 Austin, Texas
8 May 4, 1989

9 Hon. William P. Hobby
10 President of the Senate

11 Sir:

12 We, your Committee on Natural Resources to which was referred S.B.
13 No. 1777, have had the same under consideration, and I am
14 instructed to report it back to the Senate with the recommendation
15 that it do pass and be printed.

16 Santiesteban, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 3, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1777
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1777 (relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, AL, SKM, NH

Affidavit of Publication

STATE OF TEXAS)
) ss
COUNTY OF YOAKUM)

Gene Snyder

Being first duly sworn on oath deposes and says
that he is the Publisher
of THE DENVER CITY PRESS, a weekly newspaper
of general paid circulation published in the English
language at Denver City, Yoakum County, Texas;
that said newspaper has been published in such
county continuously and uninterrupted for a period
in excess of twenty-six (26) consecutive weeks next
prior to the first publication of the notice hereto
attached, as hereinafter shown; and that said
newspaper is in all things duly qualified to publish
legal notice.

That the notice which is hereto attached, entitled

Legal Notice

and numbered _____ in the

County Court of Yoakum
County, Texas, was published in a regular and
entire issue of THE DENVER CITY PRESS and not
in any supplement therefore, once each week on

the same day of the week, for 1
consecutive weeks, beginning with the issue of
March 26, 19 89

and ending with the issue of _____
March 26, 19 89

And that the cost of publishing said notice is the
sum of \$ 12.15,

Paid
which sum has been
Assessed as Court Costs.

Gene Snyder

Subscribed and sworn to before me this 25
day of April, 19 89

Beth Sanders Townsend
Notary Public, Yoakum County, Texas

My Commission expires 1-26, 19 91

LEGAL NOTICE

This is to give notice of the intent
to introduce a bill in the 71st Legisla-
ture - a bill to entitled an act, relating
to the creation of the Yoakum County
Underground Water District, the
boundaries of which would be
identical to the County of Yoakum
boundaries.

The bill is to be introduced by
Senator John T. Montford.

This notice is published at least
thirty days prior to introduction of the
bill.

Published in Denver City Press
March 26, 1989.

RECEIVED SENATE OFFICE

APR 26 1989

____ Route

____ Form ____ Subject

Dallas Brewer
JUDGE OF YOAKUM COUNTY
P. O. BOX 456
PLAINS, TEXAS 79355

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

04
5-03-89/4:11
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
SB 1777 by MONTFORD have on MAY 03, 1989, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.


A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☐ yes ☐ no
An actuarial analysis was requested. ☐ yes ☐ no
Considered by subcommittee. ☐ yes ☐ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	<input checked="" type="checkbox"/>			
Lyon, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Bivins	<input checked="" type="checkbox"/>			
Brown				
Carriker	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Montford				<input checked="" type="checkbox"/>
Ratliff	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
Uribe				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	8			3


COMMITTEE CLERK

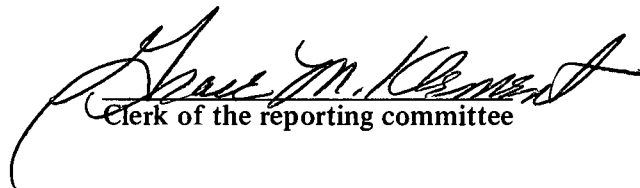

CHAIRMAN

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that SB/777, by: Portford,
was heard by the Committee on Natural Resources on 5-03, 1989
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.


Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0350 IF YOU HAVE ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

May 15 1989 Engrossed

Patsy Spaw
Engrossing Clerk

1989 MAY 16 PM 6:45

HOLDS OF THE LEGISLATURE

I certify that the attached is a true and correct
copy of SB 1777 which was
received from the Senate on 5-15-89 and
referred to the Committee on Natural Resources

Reed Murrain
Chief Clerk of the House

By: Montford
(Rudd)

S.B. No. 1777

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the Yoakum County Underground Water
Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation
district, to be known as Yoakum County Underground Water
Conservation District, is created in Yoakum County, subject to
approval at a confirmation election under Section 9 of this Act.
The district is a governmental agency and a body politic and
corporate.

(b) The district is created under and is essential to
accomplish the purposes of Article XVI, Section 59, of the Texas
Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the
Yoakum County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The district includes all the
territory located within Yoakum County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries and field notes of the district form a
closure. A mistake in the field notes or in copying the field
notes in the legislative process does not affect the organization,
existence, or validity of the district, the right of the district
to levy and collect taxes, or the legality or operation of the
district or its governing body.

1 SECTION 5. FINDING OF BENEFIT. All of the land and other
2 property included within the boundaries of the district will be
3 benefited by the works and projects that are to be accomplished by
4 the district under powers conferred by Article XVI, Section 59, of
5 the Texas Constitution. The district is created to serve a public
6 use and benefit.

7 SECTION 6. POWERS. (a) The district has all of the rights,
8 powers, privileges, authority, functions, and duties provided by
9 the general law of this state, including Chapters 50 and 52, Water
10 Code, applicable to underground water conservation districts
11 created under Article XVI, Section 59, of the Texas Constitution.
12 This Act prevails over any provision of general law that is in
13 conflict or inconsistent with this Act.

14 (b) The rights, powers, privileges, authority, functions,
15 and duties of the district are subject to the continuing right of
16 supervision of the state to be exercised by and through the Texas
17 Water Commission.

18 SECTION 7. BOARD OF DIRECTORS. (a) The district is
19 governed by a board of five directors.

20 (b) Temporary directors serve until initial permanent
21 directors are elected under Section 9 of this Act.

22 (c) Initial permanent directors serve until permanent
23 directors are elected under Section 10 of this Act.

24 (d) Permanent directors other than initial permanent
25 directors serve staggered four-year terms.

26 (e) Each director must qualify to serve as director in the

1 manner provided by Sections 51.078 and 51.079, Water Code.

2 (f) A director serves until the director's successor has
3 qualified.

4 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
5 directors is composed of:

6 (1) David Turnbough

7 (2) Ray Hohstadt

8 (3) L. J. Sanders

9 (4) T. J. Miller

10 (5) Johnnie L. Fitzgerald

11 (b) If a temporary director fails to qualify for office, the
12 temporary directors who have qualified shall appoint a person to
13 fill the vacancy. If at any time there are fewer than three
14 qualified temporary directors, the Texas Water Commission shall
15 appoint the necessary number of persons to fill all vacancies on
16 the board.

17 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

18 (a) The temporary board of directors shall call and hold an
19 election to confirm establishment of the district and to elect five
20 initial directors.

21 (b) A person who desires to be a candidate for the office of
22 initial director may file an application with the temporary board
23 to have the candidate's name printed on the ballot as provided by
24 Section 51.075, Water Code.

25 (c) At the confirmation and initial directors' election, the
26 temporary board of directors shall have the names of the five

persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.

(d) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Sections 52.058(b) through (g), Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of two directors who shall each serve two-year terms and three directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been

1 published as provided by law, and the notice and a copy of this Act
2 have been furnished to all persons, agencies, officials, or
3 entities to which they are required to be furnished by the
4 constitution and other laws of this state, including the governor,
5 who has submitted the notice and Act to the Texas Water Commission.

6 (b) The Texas Water Commission has filed its recommendations
7 relating to this Act with the governor, lieutenant governor, and
8 speaker of the house of representatives within the required time.

9 (c) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act are fulfilled
12 and accomplished.

13 SECTION 12. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 3, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1777
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1777 (relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, AL, SKM, NH

Affidavit of Publication

STATE OF TEXAS)
) ss
COUNTY OF YOAKUM)

Gene Snyder

Being first duly sworn on oath deposes and says

that he is the Publisher
of THE DENVER CITY PRESS, a weekly newspaper
of general paid circulation published in the English
language at Denver City, Yoakum County, Texas;
that said newspaper has been published in such
county continuously and uninterrupted for a period
in excess of twenty-six (26) consecutive weeks next
prior to the first publication of the notice hereto
attached, as hereinafter shown; and that said
newspaper is in all things duly qualified to publish
legal notice.

That the notice which is hereto attached, entitled

Legal Notice

and numbered _____ in the

County Court of Yoakum
County, Texas, was published in a regular and
entire issue of THE DENVER CITY PRESS and not
in any supplement therefore, once each week on

the same day of the week, for 1
consecutive weeks, beginning with the issue of
March 26, 19 89

and ending with the issue of _____
March 26, 19 89

And that the cost of publishing said notice is the
sum of \$ 12.15,

which sum has been Paid
Assessed as Court Costs.

Gene Snyder

Subscribed and sworn to before me this 25
day of April, 19 89

Beth Lander Jensen
Notary Public, Yoakum County, Texas

My Commission expires 1-26, 19 91

LEGAL NOTICE

This is to give notice of the intent
to introduce a bill in the 71st Legisla-
ture - a bill to entitled an act, relating
to the creation of the Yoakum County
Underground Water District, the
boundaries of which would be
identical to the County of Yoakum
boundaries.

The bill is to be introduced by
Senator John T. Montford.

This notice is published at least
thirty days prior to introduction of the
bill.

Published in Denver City Press
March 26, 1989.

RECEIVED
SENATE OFFICE

APR 26 1989

____ Route
____ Form ____ Subject

Dallas Brewer
JUDGE OF YOAKUM COUNTY
P. O. BOX 456
PLAINS, TEXAS 79355

HOUSE COMMITTEE REPORT

1st Printing

89 MAY 17 PM 8:43
HOUSE OF REPRESENTATIVES

By: Montford
(Rudd)

S.B. No. 1777

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,
operation, and financing of the Yoakum County Underground Water
Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation
district, to be known as Yoakum County Underground Water
Conservation District, is created in Yoakum County, subject to
approval at a confirmation election under Section 9 of this Act.
The district is a governmental agency and a body politic and
corporate.

(b) The district is created under and is essential to
accomplish the purposes of Article XVI, Section 59, of the Texas
Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the
Yoakum County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The district includes all the
territory located within Yoakum County.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
finds that the boundaries and field notes of the district form a
closure. A mistake in the field notes or in copying the field
notes in the legislative process does not affect the organization,
existence, or validity of the district, the right of the district
to levy and collect taxes, or the legality or operation of the
district or its governing body.

1 SECTION 5. FINDING OF BENEFIT. All of the land and other
2 property included within the boundaries of the district will be
3 benefited by the works and projects that are to be accomplished by
4 the district under powers conferred by Article XVI, Section 59, of
5 the Texas Constitution. The district is created to serve a public
6 use and benefit.

7 SECTION 6. POWERS. (a) The district has all of the rights,
8 powers, privileges, authority, functions, and duties provided by
9 the general law of this state, including Chapters 50 and 52, Water
10 Code, applicable to underground water conservation districts
11 created under Article XVI, Section 59, of the Texas Constitution.
12 This Act prevails over any provision of general law that is in
13 conflict or inconsistent with this Act.

14 (b) The rights, powers, privileges, authority, functions,
15 and duties of the district are subject to the continuing right of
16 supervision of the state to be exercised by and through the Texas
17 Water Commission.

18 SECTION 7. BOARD OF DIRECTORS. (a) The district is
19 governed by a board of five directors.

20 (b) Temporary directors serve until initial permanent
21 directors are elected under Section 9 of this Act.

22 (c) Initial permanent directors serve until permanent
23 directors are elected under Section 10 of this Act.

24 (d) Permanent directors other than initial permanent
25 directors serve staggered four-year terms.

26 (e) Each director must qualify to serve as director in the

1 manner provided by Sections 51.078 and 51.079, Water Code.

2 (f) A director serves until the director's successor has
3 qualified.

4 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
5 directors is composed of:

6 (1) David Turnbough

7 (2) Ray Hohstadt

8 (3) L. J. Sanders

9 (4) T. J. Miller

10 (5) Johnnie L. Fitzgerald

11 (b) If a temporary director fails to qualify for office, the
12 temporary directors who have qualified shall appoint a person to
13 fill the vacancy. If at any time there are fewer than three
14 qualified temporary directors, the Texas Water Commission shall
15 appoint the necessary number of persons to fill all vacancies on
16 the board.

17 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

18 (a) The temporary board of directors shall call and hold an
19 election to confirm establishment of the district and to elect five
20 initial directors.

21 (b) A person who desires to be a candidate for the office of
22 initial director may file an application with the temporary board
23 to have the candidate's name printed on the ballot as provided by
24 Section 51.075, Water Code.

25 (c) At the confirmation and initial directors' election, the
26 temporary board of directors shall have the names of the five

1 persons serving as temporary directors placed on the ballot
2 together with the name of any candidate filing for the office of
3 director as provided by Subsection (b) of this section and blank
4 spaces to write in the names of other persons. If the district is
5 created at the election, the temporary directors, at the time the
6 vote is canvassed, shall declare the five persons who receive the
7 most votes to be elected as the initial directors and shall include
8 the results of the directors' election in its election report to
9 the Texas Water Commission.

10 (d) Subsection (a), Section 41.001, Election Code, does not
11 apply to a confirmation and initial directors' election held as
12 provided by this section.

13 (e) Except as provided by this section, a confirmation and
14 initial directors' election must be conducted as provided by
15 Sections 52.058(b) through (g), Water Code, and the Election Code.

16 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
17 May of the second year after the year in which the district is
18 authorized to be created at a confirmation election, an election
19 shall be held in the district for the election of two directors who
20 shall each serve two-year terms and three directors who shall each
21 serve four-year terms. Thereafter, on the same date in each
22 subsequent second year, the appropriate number of directors shall
23 be elected to the board.

24 SECTION 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

25 (a) The proper and legal notice of the intention to introduce this
26 Act, setting forth the general substance of this Act, has been

1 published as provided by law, and the notice and a copy of this Act
2 have been furnished to all persons, agencies, officials, or
3 entities to which they are required to be furnished by the
4 constitution and other laws of this state, including the governor,
5 who has submitted the notice and Act to the Texas Water Commission.

6 (b) The Texas Water Commission has filed its recommendations
7 relating to this Act with the governor, lieutenant governor, and
8 speaker of the house of representatives within the required time.

9 (c) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act are fulfilled
12 and accomplished.

13 SECTION 12. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 1

BY Yost

1 Amend S.B. 1777 as follows:

2 (1) On page 1, line 7, strike "Yoakum County" and
3 substitute "Sandy Land".

4 (2) On page 1, lines 15-16, strike "Yoakum County" and
5 substitute "Sandy Land".

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 16, 1989
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 1777 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

() do pass, without amendment.
(x) do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. () yes (x) no An actuarial analysis was requested. () yes (x) no

An author's fiscal statement was requested. (x) yes () no

A criminal justice policy impact statement was prepared. () yes (x) no

A water development policy impact statement was requested. (x) yes () no

(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, (x) Consent, or () Resolutions Calendar.

This measure (x) proposes new law. () amends existing law.

House Sponsor of Senate Measure Rudd

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.	x			
Culberson	x			
Holzheuser	x			
Junell	x			
Swift	x			
Wentworth	x			
Yost	x			

Total
9 aye
0 nay
0 present, not voting
0 absent

Leval
CHAIRMAN
Deborah K. Wall
COMMITTEE COORDINATOR

BILL ANALYSIS

Background

It is believed that creation of the Yoakum County Underground Water Conservation District would be of benefit to the residents of the area.

Purpose of the Bill

This bill creates the district and provides for its' operation.

Section by Section Analysis

Section 1. Creates the district under Article XVI, Section 59 of the Texas Constitution.

Section 2. Definition.

Section 3. Includes all territory in Yoakum County in the district.

Section 4. Finding of closure.

Section 5. Finding of benefit.

Section 6. Provides for the general powers of the district under Chapters 50 and 52, Water Code, as applicable to districts under Article XVI, Section 59 of the Texas Constitution, subject to commission oversight.

Section 7. Provides for a five member board of directors serving staggered four year terms. Provides for additional terms and conditions of service.

Section 8. Names the temporary board of directors and provides for the filling of vacancies.

Section 9. Provides procedures for holding a district confirmation and initial directors election.

Section 10. Provides for regular directors' elections on the first Saturday in May of every second year after district creation.

Section 11. Findings of compliance with notice requirements.

Section 12. Emergency clause.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

SB 1777 was considered in formal meeting on May 16, 1989. Representative Yost offered an amendment to the bill to change the name of the proposed district to the "Sandy Land Underground Water Conservation District". The amendment was adopted without objection. The motion to report SB 1777 to the full House favorably, with amendment, for placement on the consent calendar carried with a vote of 9 ayes, 0 nays, 0 PNV, and 0 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 3, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1777
By: Montford

FROM: Jim Oliver, Director

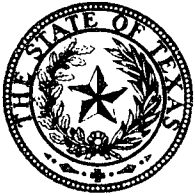
In response to your request for a Fiscal Note on Senate Bill No. 1777 (relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, AL, SKM, NH

Texas House of Representatives



P.O. Box 2910
Austin, Texas 78769-2910
(512) 463-0678
Rm. 305, Capitol

420 W. Main
Brownfield, Texas 79316
(806) 637-7616

STATE REPRESENTATIVE

Jim D. Rudd

May 16, 1989

The Honorable Terral Smith, Chair
Committee on Natural Resources
Reagan Rm 214

Dear Chairman Smith:

In response to your request for an Author's Fiscal Statement on Senate Bill 1777, relating to the creation, administration, powers, duties, operation and financing of the Yoakum County Underground Water District, I submit the following:

The estimated fiscal impact is approximately \$100,000 annually. This figure includes operating expenses, salaries and rent.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim D. Rudd".

Jim D. Rudd

5

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

May 3, 1989

I certify this document to be a true and correct copy of the Texas Water Commission recommendations on

H.B. #

3166

The Honorable William P. Clements, Jr.
Governor of Texas

Betty Murray
Chief Clerk of the House

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1777/H.B. 3166) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Yoakum County Underground Water Conservation District

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. Items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate
Senator John Montford, State Senate
Representative Jim Rudd, House of Representatives

6

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE YOAKUM COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for Senate Bill 1777/House Bill 3166 (S.B.1777/H.B.3166) relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Yoakum County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, buried mesas or buttes of Cretaceous rocks which are in hydrologic continuity with the Ogallala and are considered to be part of the aquifer, can also yield water to wells. Triassic rocks, which underlie the above units at considerable depths, are thought to contain moderately saline water (3,000 to 10,000 parts per million total dissolved solids) across the southwest one-half of the district. There appears to be no hydrogeologic justification for the determination of district boundaries. This county is not currently involved in the state's critical area process.

S.B.1777/H.B.3166 provide that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The boundaries of the proposed District are coterminous with the boundaries of Yoakum County. The Board's current projections of population for Yoakum County indicate an anticipated

increase in population ranging from 1,589 to 2,256 residents over the next 20 years beyond the current estimated population of 10,445.

- 2) **District finances** - The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the final permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election and elect five initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 51.075, Texas Water Code. At the election, the names of the five persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The

- 28

ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.058(b) - (g), Texas Water Code, and the Election Code.

On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of two permanent directors who shall serve two-year terms and three permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the proposed District agrees with the State Water Plan objective of promoting more efficient use of local groundwater resources through management and conservation of available water supplies.

- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Subchapter A, Section 50.001 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for bonds of municipal utility districts under Section 54.516 of Chapter 54, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Yoakum County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. It is also part of The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was

not confirmed. Formerly, the Yoakum County Water Conservation and Improvement Districts Nos. 1 and 2 operated within the county, but they have since been dissolved. Therefore, there are now no apparent conflicts between the boundaries of this district and other existing entities.

- 9) **Comment on powers and duties different from similar types of districts -**
This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts; therefore, there are no abnormal powers or duties which have been granted to this district.

I certify this document to be a
true and correct copy of the Texas
Water Commission recommendations on

H.B. #

3166

Robert Murray
Chief Clerk of the House

ADOPTED

MAY 19 1989

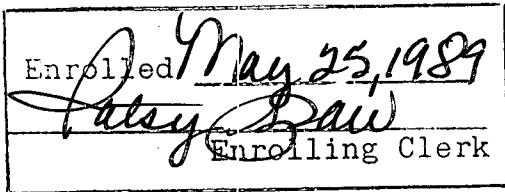
Betty M. Mearns
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO. 1

BY Yost

- 1 Amend S.B. 1777 as follows:
- 2 (1) On page 1, line 7, strike "Yoakum County" and
- 3 substitute "Sandy Land".
- 4 (2) On page 1, lines 15-16, strike "Yoakum County" and
- 5 substitute "Sandy Land".

House Am. #10
5-25-89
S. 5-25-89



S.B. No. 1777

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Sandy Land Underground Water
4 Conservation District.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as Sandy Land Underground Water Conservation
8 District, is created in Yoakum County, subject to approval at a
9 confirmation election under Section 9 of this Act. The district is
10 a governmental agency and a body politic and corporate.

11 (b) The district is created under and is essential to
12 accomplish the purposes of Article XVI, Section 59, of the Texas
13 Constitution.

14 SECTION 2. DEFINITION. In this Act, "district" means the
15 Sandy Land Underground Water Conservation District.

16 SECTION 3. BOUNDARIES. The district includes all the
17 territory located within Yoakum County.

18 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
19 finds that the boundaries and field notes of the district form a
20 closure. A mistake in the field notes or in copying the field
21 notes in the legislative process does not affect the organization,
22 existence, or validity of the district, the right of the district
23 to levy and collect taxes, or the legality or operation of the
24 district or its governing body.

25 SECTION 5. FINDING OF BENEFIT. All of the land and other

1 property included within the boundaries of the district will be
2 benefited by the works and projects that are to be accomplished by
3 the district under powers conferred by Article XVI, Section 59, of
4 the Texas Constitution. The district is created to serve a public
5 use and benefit.

6 SECTION 6. POWERS. (a) The district has all of the rights,
7 powers, privileges, authority, functions, and duties provided by
8 the general law of this state, including Chapters 50 and 52, Water
9 Code, applicable to underground water conservation districts
10 created under Article XVI, Section 59, of the Texas Constitution.
11 This Act prevails over any provision of general law that is in
12 conflict or inconsistent with this Act.

13 (b) The rights, powers, privileges, authority, functions,
14 and duties of the district are subject to the continuing right of
15 supervision of the state to be exercised by and through the Texas
16 Water Commission.

17 SECTION 7. BOARD OF DIRECTORS. (a) The district is
18 governed by a board of five directors.

19 (b) Temporary directors serve until initial permanent
20 directors are elected under Section 9 of this Act.

21 (c) Initial permanent directors serve until permanent
22 directors are elected under Section 10 of this Act.

23 (d) Permanent directors other than initial permanent
24 directors serve staggered four-year terms.

25 (e) Each director must qualify to serve as director in the
26 manner provided by Sections 51.078 and 51.079, Water Code.

1 (f) A director serves until the director's successor has
2 qualified.

3 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
4 directors is composed of:

- 5 (1) David Turnbough
6 (2) Ray Hohstadt
7 (3) L. J. Sanders
8 (4) T. J. Miller
9 (5) Johnnie L. Fitzgerald

10 (b) If a temporary director fails to qualify for office, the
11 temporary directors who have qualified shall appoint a person to
12 fill the vacancy. If at any time there are fewer than three
13 qualified temporary directors, the Texas Water Commission shall
14 appoint the necessary number of persons to fill all vacancies on
15 the board.

16 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

17 (a) The temporary board of directors shall call and hold an
18 election to confirm establishment of the district and to elect five
19 initial directors.

20 (b) A person who desires to be a candidate for the office of
21 initial director may file an application with the temporary board
22 to have the candidate's name printed on the ballot as provided by
23 Section 51.075, Water Code.

24 (c) At the confirmation and initial directors' election, the
25 temporary board of directors shall have the names of the five
26 persons serving as temporary directors placed on the ballot

1 together with the name of any candidate filing for the office of
2 director as provided by Subsection (b) of this section and blank
3 spaces to write in the names of other persons. If the district is
4 created at the election, the temporary directors, at the time the
5 vote is canvassed, shall declare the five persons who receive the
6 most votes to be elected as the initial directors and shall include
7 the results of the directors' election in its election report to
8 the Texas Water Commission.

9 (d) Subsection (a), Section 41.001, Election Code, does not
10 apply to a confirmation and initial directors' election held as
11 provided by this section.

12 (e) Except as provided by this section, a confirmation and
13 initial directors' election must be conducted as provided by
14 Sections 52.053(b) through (g), Water Code, and the Election Code.

15 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in
16 May of the second year after the year in which the district is
17 authorized to be created at a confirmation election, an election
18 shall be held in the district for the election of two directors who
19 shall each serve two-year terms and three directors who shall each
20 serve four-year terms. Thereafter, on the same date in each
21 subsequent second year, the appropriate number of directors shall
22 be elected to the board.

23 SECTION 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

24 (a) The proper and legal notice of the intention to introduce this
25 Act, setting forth the general substance of this Act, has been
26 published as provided by law, and the notice and a copy of this Act

1 have been furnished to all persons, agencies, officials, or
2 entities to which they are required to be furnished by the
3 constitution and other laws of this state, including the governor,
4 who has submitted the notice and Act to the Texas Water Commission.

5 (b) The Texas Water Commission has filed its recommendations
6 relating to this Act with the governor, lieutenant governor, and
7 speaker of the house of representatives within the required time.

8 (c) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act are fulfilled
11 and accomplished.

12 SECTION 12. EMERGENCY. The importance of this legislation
13 and the crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended,
17 and that this Act take effect and be in force from and after its
18 passage, and it is so enacted.

S.B. No. 1777

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1777 passed the Senate on May 15, 1989, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1777 passed the House, with amendment, on May 20, 1989, by the following vote: Yeas 128, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 3, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1777
By: Montford

FROM: Jim Oliver, Director

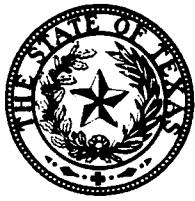
In response to your request for a Fiscal Note on Senate Bill No. 1777 (relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, AL, SKM, NH

Texas House of Representatives



P.O. Box 2910
Austin, Texas 78769-2910
(512) 463-0678
Rm. 305, Capitol

420 W. Main
Brownfield, Texas 79316
(806) 637-7616

STATE REPRESENTATIVE

Jim D. Rudd

May 16, 1989

The Honorable Terral Smith, Chair
Committee on Natural Resources
Reagan Rm 214

Dear Chairman Smith:

In response to your request for an Author's Fiscal Statement on Senate Bill 1777, relating to the creation, administration, powers, duties, operation and financing of the Yoakum County Underground Water District, I submit the following:

The estimated fiscal impact is approximately \$100,000 annually. This figure includes operating expenses, salaries and rent.

If I can be of further assistance, please let me know.

Sincerely,


Jim D. Rudd

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

May 3, 1989

I certify this document to be a true and correct copy of the Texas Water Commission recommendations on

H.B. # 3166

Brenda W. Foster
Chief Clerk of the House

The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1777/H.B. 3166) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Yoakum County Underground Water Conservation District

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. Items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

Allen Beinke
Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate
Senator John Montford, State Senate
Representative Jim Rudd, House of Representatives

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE YOAKUM COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for Senate Bill 1777/House Bill 3166 (S.B.1777/H.B.3166) relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District follow.

Wells located within the confines of this proposed district, which encompasses all of Yoakum County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, buried mesas or buttes of Cretaceous rocks which are in hydrologic continuity with the Ogallala and are considered to be part of the aquifer, can also yield water to wells. Triassic rocks, which underlie the above units at considerable depths, are thought to contain moderately saline water (3,000 to 10,000 parts per million total dissolved solids) across the southwest one-half of the district. There appears to be no hydrogeologic justification for the determination of district boundaries. This county is not currently involved in the state's critical area process.

S.B.1777/H.B.3166 provide that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The boundaries of the proposed District are coterminous with the boundaries of Yoakum County. The Board's current projections of population for Yoakum County indicate an anticipated

increase in population ranging from 1,589 to 2,256 residents over the next 20 years beyond the current estimated population of 10,445.

- 2) **District finances** - The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the final permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election and elect five initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 51.075, Texas Water Code. At the election, the names of the five persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The

ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.058(b) - (g), Texas Water Code, and the Election Code.

On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of two permanent directors who shall serve two-year terms and three permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the proposed District agrees with the State Water Plan objective of promoting more efficient use of local groundwater resources through management and conservation of available water supplies.

- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Subchapter A, Section 50.001 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for bonds of municipal utility districts under Section 54.516 of Chapter 54, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Yoakum County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. It is also part of The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was

not confirmed. Formerly, the Yoakum County Water Conservation and Improvement Districts Nos. 1 and 2 operated within the county, but they have since been dissolved. Therefore, there are now no apparent conflicts between the boundaries of this district and other existing entities.

- 9) Comment on powers and duties different from similar types of districts - This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts; therefore, there are no abnormal powers or duties which have been granted to this district.

I certify this document to be a
true and correct copy of the Texas
Water Commission recommendations on

H.B. # 3166
Robert J. Thomas
Chief Clerk of the House

Affidavit of Publication

STATE OF TEXAS)
) ss
COUNTY OF YOAKUM)

Gene Snyder

Being first duly sworn on oath deposes and says
that he is the Publisher
of THE DENVER CITY PRESS, a weekly newspaper
of general paid circulation published in the English
language at Denver City, Yoakum County, Texas;
that said newspaper has been published in such
county continuously and uninterrupted for a period
in excess of twenty-six (26) consecutive weeks next
prior to the first publication of the notice hereto
attached, as hereinafter shown; and that said
newspaper is in all things duly qualified to publish
legal notice.

That the notice which is hereto attached, entitled

Legal Notice

and numbered _____ in the

County Court of Yoakum
County, Texas, was published in a regular and
entire issue of THE DENVER CITY PRESS and not
in any supplement therefore, once each week on

the same day of the week, for 1
consecutive weeks, beginning with the issue of
March 26, 19 89

and ending with the issue of _____
March 26, 19 89

And that the cost of publishing said notice is the
sum of \$ 12.15,

Paid
which sum has been Assessed as Court Costs.

Gene Snyder

Subscribed and sworn to before me this 25
day of April, 19 89

Beth Sanders Townsend
Notary Public, Yoakum County, Texas

My Commission expires 1-26, 19 91

LEGAL NOTICE

This is to give notice of the intent
to introduce a bill in the 71st Legisla-
ture - a bill to entitled an act, relating
to the creation of the Yoakum County
Underground Water District, the
boundaries of which would be
identical to the County of Yoakum
boundaries.

The bill is to be introduced by
Senator John T. Montford.

This notice is published at least
thirty days prior to introduction of the
bill.

Published in Denver City Press
March 26, 1989.

RECEIVED
SENATE OFFICE

APR 26 1989

____ Route

____ Form ____ Subject

Dallas Brewer
JUDGE OF YOAKUM COUNTY
P. O. BOX 456
PLAINS, TEXAS 79355

S.B. No. 1777

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1777 (1) passed the Senate on May 15 (2), 1989, by the following vote:
Yeas 31 (3), Nays 0 (4); and that the Senate concurred in House amendment on May 25 (5), 1989, by the following vote: Yeas 31 (6), Nays 0 (7).

Secretary of the Senate

I hereby certify that S.B. No. 1777 (1) passed the House, with amendment, on May 20 (8), 1989, by the following vote: Yeas 128 (9), Nays 0 (10), one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S. B. No. 1777

By Montford

A BILL TO BE ENTITLED

AN ACT: relating to the creation, administration, powers, duties, operation, and financing of the Yoakum County Underground Water Conservation District.

Filed with the Secretary of the Senate
APR 28 1989 Read and referred to Committee on NATURAL RESOURCES
MAY 4 1989 Reported favorably _____
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
MAY 15 1989 Laid before the Senate
Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays
MAY 15 1989 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays
Caption ordered amended to conform to the body of the bill.
MAY 15 1989 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nays.
MAY 15 1989 Read third time, _____, and passed by 31 yeas, 0 nays.

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

May 15, 1989 Engrossed
May 15, 1989 Sent to House

Engrossing Clerk Lacey Law

MAY 15 1989 Received from the Senate
MAY 16 1989 Read first time and referred to Committee on Natural Resources
5-16-89 Reported favorably amended sent to Printer at 3:30pm MAY 17 1989
5-17-89 Printed and Distributed 8:43pm
5-18-89 Sent to Committee on Calendars LOC 11:30am
MAY 19 1989 Read Second time amended, passed to third reading failed
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays _____ present not voting.
MAY 20 1989 Read third time amended; finally passed failed by a (Non-Record Vote) Record Vote of 128 yeas, 0 nays 1 present not voting.
MAY 20 1989 Caption ordered amended to conform to body of bill.
MAY 22 1989 Returned to Senate.
MAY 22 1989 Returned from House without amendment.
MAY 22 1989 Returned from House with _____ amendments.
MAY 25 1989 Concurred in House amendments by a viva voce vote 91 yeas, 0 nays.

Betty Manning
CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

89 MAY 17 PM 8:43
HOUSE OF REPRESENTATIVES